

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LIFE TECHNOLOGIES CORPORATION,)
and)
APPLIED BIOSYSTEMS, LLC,)
)
Plaintiffs,) CIVIL ACTION NO. 2:09-cv-00283
)
v.)
) DEMAND FOR JURY TRIAL
BIOSEARCH TECHNOLOGIES, INC.,)
BIO-SYNTHESIS, INC., and)
EUROFINS MWG OPERON INC.,)
)
Defendants.)
)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In compliance with the Court's Docket Control Order (Dkt. No. 84), the Court's Order on Joint Motion for Extension of Time (Dkt. No. 170), and Patent Rule 4-3, Plaintiffs Life Technologies Corporation and Applied Biosystems, LLC (collectively, "Life Tech") and Defendants Biosearch Technologies, Inc. ("Biosearch"), Bio-Synthesis, Inc. ("Bio-Synthesis"), and Eurofins MWG Operon, Inc. ("Eurofins") (collectively, the "parties") hereby provide their Joint Claim Construction and Prehearing Statement.

I. AGREED AND DISPUTED TERMS (P.R. 4-3(a) & (b))

The claim terms and phrases to which Life Tech, Biosearch, and Eurofins have stipulated to agreed constructions and to which Bio-Synthesis has no objection are set forth in Attachment A. Life Tech, Biosearch, and Eurofins have set forth their proposed constructions as to the claim terms and phrases that are in dispute in Attachment B. Life Tech has set forth evidence relevant to the claim terms and phrases that are in dispute in Attachment C. Biosearch and Eurofins have

set forth evidence relevant to the claim terms and phrases that are in dispute in Attachment D.

The parties reserve the right to rely on evidence submitted by the other parties.

II. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING (P.R. 4-3(c))

The parties believe that it would be appropriate to allocate two (2) hours per side, four (4) hours in total, for the claim construction hearing, including reserved rebuttal time.

III. CLAIM CONSTRUCTION WITNESSES (P.R. 4-3(d))

The parties do not intend to call any live witnesses at the Claim Construction Hearing.

IV. CLAIM CONSTRUCTION PREHEARING CONFERENCE (P.R. 4-3(e))

The parties do not believe that a claim construction prehearing conference is currently needed. If issues requiring a prehearing conference should arise, the parties will inform the Court and propose dates for a prehearing conference.

April 15, 2011

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 15th day of April, 2011.

/s/ David K. Wooten

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